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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,720	01/08/2004	Soji Tanioka	0171-1052P	5535

2292 7590 08/03/2005

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EXAMINER
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EINSMANN, MARGARET V

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/752,720

**Applicant(s)**

TANIOKA ET AL.

**Examiner**

Margaret Einsmann

**Art Unit**

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/8/04; 9/1/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Asahi Chem. Ind Co Ltd, JP 60137938 A.

Asahi discloses a process for modifying polymeric material selected from polyester, polyamide and acrylonitrile by treating with an aqueous solution of alkali and a cellulose ether having a degree of substitution of 0.03-0.10 . The cellulose may be substituted by at least one of a number of named substituents, including methyl, ethyl, propyl, hydroxyethyl and hydroxypropyl, all of which anticipate claim 2. The alkali concentration is 6-18 weight %, thereby anticipating the limitation of claim 3 (2-25% by weight). The concentration of cellulose ether in the aqueous alkaline solution is 0.5-10 weight%, thus anticipating claim 4. (0.5-15 wt%). Regarding claim 5, the method of coagulation of the cellulose ether is neutralization, See Abstract from 1449 dated 9/1/04.

Claims 1- 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Edelstein, GB 600,355. Example 6 on page 3 lines 82-112 disclose a process of treating a fabric with a hydroxyethylcellulose solution in aqueous alkaline solution and then salting out and neutralizing. The aqueous alkaline solution is described in Example 1 on page 3 lines 18-31. It

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contains a concentration of hydroxyethyl cellulose in an amount of 6 wt% and sodium hydroxide as the alkali in an amount of 8% . Accordingly all of the claims are anticipated. All of the other examples may be used to anticipate the claims. See especially example 5.

Claims 1- 5 are rejected under 35 U.S.C. 102(b) as being anticipated by United Merchants and Manufacturing, GB 1,041,020.

All of the claims are anticipated by the procedure of forming a hydroxyethyl cellulose film on cellulose acetate fabric as described on page 8 lines 1-70. Cellulose acetate is impregnated with a solution of 5% hydroxyethylcellulose, 6.25% sodium hydroxide and the remainder water. The coagulation is conducted in an 8 compartment washer, using both neutralization and salting out coagulation as claimed.

The remaining references submitted on the two information disclosure statements have been reviewed. While they may also be used to reject the pending claims, they are deemed cumulative to the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-W and alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

8/1/05

*Margaret Einsmann*  
Margaret Einsmann  
Primary Examiner  
Art Unit 1751